

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHARLES E. SNODGRASS,

Plaintiff,

v.

OFFICER CO 2 DINO, SGT. HAINS, UM RICE, SGT.
KINYON, CO HORN, CO KAMPEN, WARDEN
TEGELS, HSM MAASSEN, JANE DOE, and JOHN
DOE,

Defendants.

ORDER

23-cv-148-jdp

I dismissed pro se plaintiff Charles E. Snodgrass's complaint but allowed him to file an amended complaint by May 22, 2023. On that date, Snodgrass filed a motion stating that he could not file an amended complaint because: (1) he has yet to obtain the information he needs to identify the defendants by full name in the amended complaint's caption; and (2) the prison librarian lost the amended complaint that he nonetheless managed to draft. Dkt. 22. Snodgrass wants to know if he may voluntarily dismiss this case and obtain a refund of the filing fee instead of filing an amended complaint.

Snodgrass may voluntarily dismiss this case at this stage without prejudice to his right to file a new case based on the same allegations in the future. *See* Fed. R. Civ. P. 41(a)(1)(A)(i); *United States v. UCB, Inc.*, 970 F.3d 835, 849–50 (7th Cir. 2020). To do this, Snodgrass would simply have to file a signed notice stating that he is voluntarily dismissing this case. But, if Snodgrass does this, the court cannot refund the mandatory filing fee. *See Lucien v. DeTella*, 141 F.3d 773, 775 (7th Cir. 1998); *Beckman v. DeJoy*, No. 20-C-1259, 2020 WL 5770345, at *1 (E.D. Wis. Sept. 28, 2020).

I will give Snodgrass two extra weeks to file an amended complaint, if that is what he wants to do. Snodgrass is encouraged to identify by full name all the individuals he wants to sue in the amended complaint's caption. If he cannot, Snodgrass should include as much specific identifying information as he can, such as the defendant's title and last name. As a last resort, Snodgrass may refer to a defendant whose identifying information he cannot obtain as "John Doe" or "Jane Doe." Doe defendants, like any other defendant, must be identified as defendants in the amended complaint's caption.

ORDER

IT IS ORDERED that:

1. Plaintiff Charles E. Snodgrass's motion, Dkt. 9, is GRANTED in part and DENIED in part.
2. Plaintiff may have until June 26, 2023, to submit an amended complaint.
3. The court's order dismissing the complaint, Dkt. 7, shall otherwise remain in full force.
4. The clerk of court is directed to send plaintiff a copy of this order.

Entered June 12, 2023.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge